

08 4567 JL

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court **Northern District of California** on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. 08-4567 JL	DATE FILED 9/30/2008	U.S. DISTRICT COURT Northern District of California
PLAINTIFF MONOLITHIC POWER SYSTEMS, INC.		DEFENDANT 02MICRO INTERNATIONAL LIMITED
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,856,519 B2	2/15/2005	02MICRO INTERNATIONAL LIMITED
2 6,809,938 B2	10/26/2004	02MICRO INTERNATIONAL LIMITED
3 6,900,993 B2	5/31/2005	02MICRO INTERNATIONAL LIMITED
4 7,120,035 B2	10/10/2006	02MICRO INTERNATIONAL LIMITED
5		

RECEIVED
OCT 1 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK RICHARD W. WIEKING	(BY) DEPUTY CLERK GLORIA ACEVEDO	DATE 10-1-08
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

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10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13 SAN FRANCISCO DIVISION

14 MONOLITHIC POWER SYSTEMS, INC.,

15 Plaintiff,

16 v.

17 O2MICRO INTERNATIONAL LIMITED,

18 Defendant.

Case No. 08-4567
COMPLAINT FOR DECLARATORY
JUDGMENT

DEMAND FOR JURY TRIAL

19
20 Plaintiff Monolithic Power Systems, Inc. ("MPS") hereby pleads the following claims for
21 Declaratory Judgment against Defendant O2Micro International Limited ("O2Micro"), and allege
22 as follows.

23 **PARTIES**

24 1. Plaintiff MPS is a corporation organized under the laws of the State of Delaware
25 with its principal place of business located at 6409 Guadalupe Mines Road, San Jose, California
26 95120.

27 2. On information and belief, Defendant O2Micro is a corporation organized under
28 the laws of the Cayman Islands with its principal place of business located at The Grand Pavilion,

1 West Bay Road, PO Box 32331 SMB George Town, Grand Cayman, Cayman Islands, but doing
2 business throughout this judicial district and around the world.

3 JURISDICTION AND VENUE

4 3. The Court has subject matter jurisdiction over this action and the matters pleaded
5 herein under 28 U.S.C. §§ 1331 and 1338(a) because the action arises under the Federal
6 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the Patent Act of the United States, 35
7 U.S.C. § 101, *et seq.*

8 4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(d) because
9 O2Micro is an alien corporation organized under the laws of the Cayman Islands subject to suit in
10 this judicial district.

11 INTRADISTRICT ASSIGNMENT

12 5. This action for a declaratory judgment of non-infringement and invalidity of
13 patents is assigned on a district-wide basis under Civil L.R. 3-2(c).

14 GENERAL ALLEGATIONS

15 6. This action involves U.S. Patent No. 6,856,519 ("the '519 patent"), attached hereto
16 as Exhibit A; U.S. Patent No. 6,809,938 ("the '938 patent") attached hereto as Exhibit B; U.S.
17 Patent No. 6,900,993 ("the '993 patent") attached hereto as Exhibit C; and U.S. Patent No.
18 7,120,035 ("the '035 patent") attached hereto as Exhibit D (collectively "the patents in suit").
19 The '938, '993, and '035 patents are a division of the '519 patent; all of the patents in suit are
20 directed to multifunctional/multitasked pin technologies.

21 7. MPS has developed power inverter controller products, including the inverter
22 controller MP1009, without knowledge of any of the patents in suit.

23 8. Separately on July 31, 2008 and September 17, 2008, O2Micro telephoned MPS's
24 customer Innolux Display Corporation ("Innolux"), alleging that MPS's inverter controller
25 product MP1009 ("MP1009 inverter controller") infringed the multifunctional/multitasked pin
26 related patents of O2Micro and that O2Micro planned on instituting a lawsuit against MPS on
27 those patents.

1 9. Upon information and belief, O2Micro contends that MP1009 inverter controller,
2 and devices incorporating these products, infringe one or more claims of the patents in suit and
3 that those claims are valid.

4 10. MPS denies that the MP1009 inverter controller or any of MPS's products infringe
5 any claim of the patents in suit, and also denies that these patents are valid.

6 **FIRST CLAIM FOR RELIEF**

7 **Declaratory Relief Regarding Non-Infringement**

8 11. MPS incorporates herein the allegations of paragraphs 1-10.

9 12. An actual and justiciable controversy exists between Plaintiff MPS and Defendant
10 O2Micro as to non-infringement of the patents in suit, which is evidenced by O2Micro's repeated
11 assertions communicated to Innolux that MPS's MP1009 inverter controller infringes valid claims
12 of the patents in suit, and MPS's allegations herein.

13 13. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, MPS
14 requests the declaration of the Court that MPS does not infringe and has not infringed any claim of
15 the patents in suit.

16 **SECOND CLAIM FOR RELIEF**

17 **Declaratory Relief Regarding Invalidity**

18 14. MPS incorporates herein the allegations of paragraphs 1-10.

19 15. An actual and justiciable controversy exists between Plaintiff MPS and Defendant
20 O2Micro as to invalidity of the patents in suit, which is evidenced by O2Micro's repeated
21 assertions communicated to Innolux that MPS's MP1009 inverter controller infringes valid claims
22 of the patents in suit, and MPS's allegations herein..

23 16. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, MPS
24 requests the declaration of the Court that the patents in suit are invalid under the Patent Act, 35
25 U.S.C. § 101, *et seq.*, including, but not limited to, sections 102, 103 and 112.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff MPS prays that the Court enter declaratory judgment as follows:
28

1 (1) That MPS does not infringe and has not infringed, directly or indirectly, any of the
2 patents in suit;

3 (2) That the patents in suit are invalid;

4 (3) That O2Micro, and all persons acting on its behalf or in concert with it, be
5 permanently enjoined and restrained from charging, orally or in writing, that any of the patents in
6 suit is infringed by MPS, directly or indirectly.

7 (4) That MPS be awarded its costs, expenses and reasonable attorney fees in this
8 action; and

9 (5) That MPS be awarded such other and further relief as the Court may deem
10 appropriate.

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff MPS hereby demands a jury trial in this action.

13
14 DATED: September 30, 2008

FISH & RICHARDSON P.C.

15
16 By: 

John P. Schnurer

17 Attorneys for Plaintiff
18 Monolithic Power Systems, Inc.
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